

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT

STATE OF ALASKA,

Plaintiff,

vs.

JON WOODARD,

Defendant.

Case No. 3AN-S92-5238 CR.

AFFIDAVIT OF LIEUTENANT JAY V. YAKOPATZCERTIFICATION

x This document and its attachments do not contain information that is confidential under AS 12.61.110 or the name of a victim of a crime listed in AS 12.61.140.

_____ This document or an attachment contains confidential information that may be placed in a court file under an exception listed in AS 12.61.130(b). This information appears at _____. This document and its attachments do not contain the name of a victim of a crime listed in AS 12.61.140.

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

) ss.

I, Lieutenant Jay V. Yakopatz, being first duly sworn, deposes and states as follows:

1. I am currently commander of the Anchorage Judicial Services for the Alaska State Troopers.

2. I have over twenty-five (25) years experience as an Alaska State Trooper with tours of duty in urban and rural enforcement, investigations, warrant and fugitive units, as judicial services statewide commander, and as a detachment commander.

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3 3. As a result I have made over a thousand (1,000)
4 personal arrests and have transported and guarded even more people
5 in custody.

6 4. I have reviewed the above-named defendant's Motion
7 for Protective Order: Appearance of Custody, and Supporting
8 Points and Authorities (P-2).

9 5. In paragraph 4-A of the defendant's motion he
10 requests that he be transported to the court house before or after
11 the jurors are likely to arrive, and be transported from the court
12 house after the jurors have left. The judicial court service
13 officers already work staggered shifts to accommodate such needs,
14 and it is anticipated that currently assigned hours are such that
15 the defendant will be transported before the jurors are likely to
16 arrive in the morning. The return trip to the corrections
17 facility in a high profile case such as this is usually
18 accomplished while the jury is still in the jury room or has
19 departed the court building.

20 6. The defendant is also requesting that he be
21 transported in an unmarked vehicle. All judicial service vehicles
22 are unmarked, but have obvious security screens, while the vans
23 and buses we use have dark tinted windows.

24 7. The defendant is also requesting that he not be
25 transported with other prisoners who are physically restrained
26 and/or dressed in prison clothes. There are insufficient court
service officers available due to existing vacant positions to
ensure that the defendant can always travel alone.

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3 8. The defendant is also asking that the transport
4 vehicle be parked as close to the court house as possible and that
5 he be taken as quickly as possible through a door other than the
6 one used by jurors and members of the public, and one which is not
7 in view of doors used by jurors and members of the public. The
8 east entry to the security corridor is behind barricades and it is
9 our standard procedure to park as close to the side of the
10 building as opening the doors of both vehicle and structure will
11 allow. Jurors and the public do not use this entry. It is not in
12 view of the doors commonly used by jurors and the public.

13 9. In paragraph 4-B the defendant is requesting to be
14 moved to and from the holding facility in the court house before
15 or after the jurors have arrived or left. This is standard
16 procedure, and it is not anticipated it will be a problem in this
17 case.

18 10. In paragraph 4-C the defendant is requesting that
19 his handcuffs be removed prior to his being moved through public
20 areas of the court house, and that no other restraints should be
21 employed without prior order of the court after notice to, and
22 hearing from, the defense. Removing handcuffs from the defendant
23 prior to being moved in public areas of the court house is an
24 officer safety violation. However, it is also against existing
25 procedures to move a defendant in a felony trial in any public
26 area (except the courtroom). Although attempts will be made to
secure a prior order before additional restraints are used, in the
event that the defendant becomes combative, the safety of court

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3 service officers, troopers, and the public must be the primary
4 consideration, and there may not be time to secure a prior order.

5 11. In paragraph 4-D the defendant is requesting the
6 ability to change into street clothes at the correctional facility
7 prior to being transported to the court house. Permission must be
8 obtained from the department of corrections for this request.

9 12. Permission for the request cited in paragraph 4-E
10 should also be obtained from the department of corrections.

11 13. In paragraph 4-F the defendant is requesting any
12 "guards" should remain outside the courtroom, and out of view of
13 the jurors at all times. He further requests that if any "guards"
14 are permitted to be in the courtroom they should be dressed in
15 plain clothes and should assume positions which do not indicate
16 that they are maintaining the custody of the defendant. Given the
17 responsibilities and duties required of the court service
18 officers, this request is unreasonable. Court service officers
19 are not authorized to perform their duties without wearing their
20 full uniform. They must remain in the courtroom for security
21 reasons should the defendant become unruly or combative, as a
22 protection to the court and to the public, and to prevent escape
23 attempts. Court service officers have been trained to discreetly
24 position themselves to prevent escapes or outbursts of violence.

25 14. Given the nature of this particular case, and the
26 defendant's background, we are considering requesting additional
restraints, including leg irons, with a skirting around counsel
tables to conceal the leg irons. The defendant committed a cold

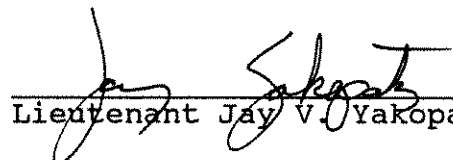
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3 and calculated murder. He made extensive plans prior to the
4 crime, including the use of an "inside person", "a look out", and
5 alternate escape plans. Additionally, his extensive interest in
6 paramilitary gear, illegal weapons, surveillance, and fake
7 identification, make him a dangerous person and an escape risk.

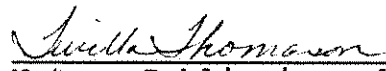
8 15. In paragraph 4-G the defendant requests that
9 restrictions be placed on the media. Judicial services is willing
10 enforce any reasonable restrictions this court imposes on the
11 media.

12 FURTHER THIS AFFIANT SAYETH NOT.


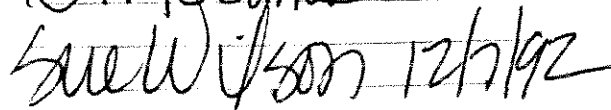
13 DATED this 27th day of November, 1992, at Anchorage,
14 Alaska.

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16 
17 Lieutenant Jay V. Yakopatz

18 SUBSCRIBED AND SWORN TO before me this 27th day of
19 November, 1992.

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21 
22 Notary Public in and for Alaska
My commission expires: 12-5-93

23 MAH\yakopatz.aff
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 12/7/92